

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

House Engrossed
FILED
JANICE K. BREWER
SECRETARY OF STATE

CHAPTER 39

HOUSE BILL 2488

AN ACT

AMENDING SECTION 28-3393, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007,
CHAPTER 182, SECTION 1; RELATING TO DEFENSIVE DRIVING SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-3393, Arizona Revised Statutes, as amended by
3 Laws 2007, chapter 182, section 1, is amended to read:

4 28-3393. Defensive driving school attendance; primary provider;
5 discrimination prohibited; notice requirements

6 A. Except as provided in subsection ~~E~~ B, an eligible individual who
7 elects to attend a defensive driving school shall attend one of the following
8 within the time allowed by the court:

9 1. A defensive driving school that is ~~a primary provider for the court~~
10 ~~having jurisdiction over the civil or criminal traffic offense.~~

11 ~~2. If the court does not have a primary provider, any defensive~~
12 ~~driving school.~~

13 ~~B. Except as provided in subsection C, a court:~~

14 ~~1. May select more than one primary provider.~~

15 ~~2. May select a primary provider for defensive driving schools using~~
16 ~~more stringent criteria than required for state certification CERTIFIED BY~~
17 ~~THE SUPREME COURT AND COMPLIES WITH THE COURT AUTOMATION AND REPORTING~~
18 ~~REQUIREMENTS PURSUANT TO SUBSECTIONS B AND C.~~

19 ~~3. 2. On application of an eligible traffic offender, shall permit~~
20 ~~the offender to attend another defensive driving school TO THE COURT AND on~~
21 ~~the showing of reasonable justification by the offender INDIVIDUAL, ANOTHER~~
22 ~~SUPREME COURT CERTIFIED DEFENSIVE DRIVING SCHOOL. Reasonable justification~~
23 ~~includes the fact that the offender INDIVIDUAL resides in another area and~~
24 ~~that attendance at ANY OF the court's primary provider school DEFENSIVE~~
25 ~~DRIVING SCHOOLS THAT COMPLY WITH THE COURT AUTOMATION AND REPORTING~~
26 ~~REQUIREMENTS creates a hardship on the offender INDIVIDUAL.~~

27 ~~E~~ B. On the expiration of all contracts that are in existence on
28 July 1, 2007 between the court and a defensive driving school provider, an
29 eligible individual who elects to attend a defensive driving school may
30 attend any supreme court certified defensive driving school that complies
31 with the court automation and reporting requirements. For the purposes of
32 this subsection, the renewal of any contract between a court and a defensive
33 driving school after July 1, 2007, shall be considered a new contract.

34 ~~D~~ C. A court may adopt requirements for a school to electronically
35 report school completions and to transfer funds, subject to the approval of
36 the defensive driving board.

37 D. A LAW ENFORCEMENT OFFICER OR A JURISDICTION ISSUING A CIVIL TRAFFIC
38 CITATION TO AN INDIVIDUAL SHALL PROVIDE NOTICE TO THE INDIVIDUAL THAT IF
39 ELIGIBLE, THE INDIVIDUAL MAY ATTEND ANY SUPREME COURT CERTIFIED DEFENSIVE
40 DRIVING SCHOOL SUBJECT TO SUBSECTION B.

1 E. A COURT SHALL NOT PROMOTE OR FAVOR ANY SUPREME COURT CERTIFIED
2 DEFENSIVE DRIVING SCHOOL OVER ANOTHER, EXCEPT THAT THE NOTICE PROVIDED
3 PURSUANT TO SUBSECTION D MAY EXCLUDE A SCHOOL THAT DOES NOT COMPLY WITH THE
4 COURT'S AUTOMATION AND REPORTING REQUIREMENTS PURSUANT TO SUBSECTIONS B
5 AND C.

6 Sec. 2. Effective date

7 This act is effective from and after December 31, 2008.

APPROVED BY THE GOVERNOR APRIL 15, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 15, 2008.